REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-3, drawn to a method of obtaining isolated or cultured antigen presenting cells wherein the expression of one or more target genes is regulated, comprising introducing siRNA(s) directed against said target genes;

Group II: Claims 4-6 and 11, drawn to an siRNA directed against a gene encoding the p50 subunit of a NF-kappaB, and to the expression vectors and compositions thereof;

Group III: Claims 4-6 and 11, drawn to an siRNA directed against a gene encoding TNF-receptor associated with factor 3 and to the expression vectors and compositions thereof;

Group IV: Claims 4-6 and 11, drawn to an siRNA directed against a gene encoding the c-Rel subunit of NF-kappaB and to expression vectors and compositions thereof; and

Group V: Claims 7, 8 and 10, drawn to an antigen-presenting cell obtainable by the method of Claim 1 and to the composition thereof; and

Group VI: Claim 9, drawn to a method of producing T lymphocytes that fail to produce the IFN-gamma comprising inducing activation of naïve T cells by co-culturing said T cells with antigen presenting cells of Claim 7 containing siRNA directed against a gene encoding p50.

The Examiner has indicated that Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same or corresponding special technical features. The special technical features are shown in the Narayanan et al. patent, U.S. Patent No. 5,591,840 and the Tuschl et al. patent, U.S. Patent Application Publication 2004/0259247 A1.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims.

Applicants make no statement regarding the obviousness of the two cited patents but only note that they are prior art patents and over which Applicants' invention is an improvement. Furthermore, the Examiner's statement that the Tuschl patent teaches or suggests the use of siRNA against any known gene and therefore would be a presumption that siRNA directed against gene encoding the p50 subunit is obvious, is at best a hindsight observation of the art which is prohibited by the patent statute. Therefore, the corresponding of special technical features required by PCT Rule 13.2 is present and the restriction should fall. Applicants further point out that there clearly is a single general inventive concept present in all of the groups pertain to a method of obtaining and isolating a culture of antigen presenting cells wherein the expression of one or more of the genes is down-regulated comprising introducing an siRNA directed against said target genes.

Moreover, the M.P.E.P. in § 803 states as follows:

> If a search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

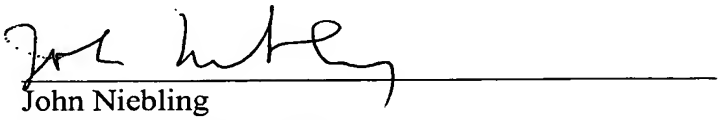
Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office. In this regard it is noted that the European Patent Office searched all of the claims of the present application in **one** application.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain a Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



John Niebling
Registration No. 57,981

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)